

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER SITE LITIGATION

21 MC 100 (AKH)
(ECF)

-----X
BRIAN KENNY and ROSENNNA KENNY,,

SUMMONS

-against-

Plaintiffs 07 CV 07 CV ~~3285~~
~~Judge Hellerstein~~
Jury Trial Demanded

THE CITY OF NEW YORK, and
AMEC CONSTRUCTION MANAGEMENT, INC., *et al.*,

Defendants.

-----X

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon:

Plaintiffs' Attorney: Sullivan Papain Block McGrath & Cannavo P.C.
120 Broadway, 18th Floor
New York, New York 10271
212/732.9000

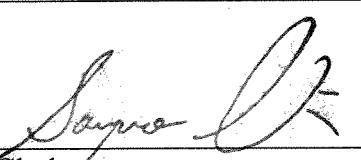
an Answer to the Complaint that is herein served upon you, within 20 days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

J. MICHAEL McMAHON

APR 24 2007

Clerk

By: Deputy Clerk



TO:

AMEC CONSTRUCTION
MANAGEMENT, INC. and other AMEC entities
c/o Tara Saybe
Patton Boggs LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

BOVIS LEND LEASE, LMB, INC.
and other BOVIS entities
c/o Mound Cotton Wollan & Greengrass
Mark J. Weber, Esq.
One Battery Park Plaza
New York, NY 10004-1486

TULLY CONSTRUCTION CO., INC.
and other TULLY entities
c/o Tara Saybe
Patton Boggs LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

TURNER CONSTRUCTION
COMPANY and other
TURNER entities
c/o London Fisher LLP
Attn: John Starling, Esq.
59 Maiden Lane
New York, NY 10038

CITY OF NEW YORK
By: Corporation Counsel
100 Church Street
New York, New York 10007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

BRIAN KENNY and ROSENNNA KENNY,

Plaintiffs,

- against -

**THE CITY OF NEW YORK, AND
AMEC CONSTRUCTION MANAGEMENT,
INC., et al.,**

Defendants.

By Order of the Honorable Alvin K. Hellerstein, United States District Judge, dated June 22, 2006, ("the Order"), Master Complaints for all Plaintiffs were filed on August 18, 2006.

NOTICE OF ADOPTION

All headings and paragraphs in the Master Complaints are applicable to and are adopted by the instant Plaintiff(s) as if fully set forth herein in addition to those paragraphs specific to the individual Plaintiff(s), which are listed below. These are marked with an "☒" if applicable to the instant Plaintiff(s), and specific case information is set forth, as needed, below.

Plaintiffs, by their attorneys SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO, P.C. complaining of Defendants, respectfully allege:

I. PARTIES

PLAINTIFF(S)

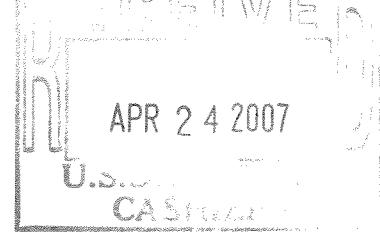
1. ☒ Plaintiff BRIAN KENNY (hereinafter the "Injured Plaintiff"), is an individual and a citizen of New York, residing at 370 Gurley Avenue, Staten Island, New York 10308.
2. Alternatively, _____ is the _____ of Decedent _____, and brings this claim in his (her) capacity as of the Estate of _____.
3. ☒ Plaintiff, ROSENNNA KENNY (hereinafter the "Derivative Plaintiff"), is an individual and a citizen of New York, residing at 370 Gurley Avenue, Staten Island, New York 10308, and has the following relationship to the Injured Plaintiff:

21 MC 100 (AKH)

DOCKET NO.
07 CV 3285

CHECK-OFF ("SHORT FORM")
COMPLAINT
RELATED TO THE
MASTER COMPLAINT
Judge Hellerstein

PLAINTIFFS DEMAND A TRIAL BY JURY



PLAINTIFF ROSENNNA KENNY at all relevant times herein, is and has been lawfully married to Plaintiff BRIAN KENNY and brings this derivative action for her (his) loss due to the injuries sustained by her husband, Plaintiff BRIAN KENNY.

Parent Child Other: _____

4. In the period from September 11, 2001 and thereafter, including all of November 2001, the Injured Plaintiff worked as a Firefighter for the Fire Department of New York, assigned to Engine Company 257 and, then, a special unit, at:

Please be as specific as possible when filling in the following dates and locations

The World Trade Center Site
Location(s) (i.e., building, quadrant, etc.)
throughout the four quadrants.

From on or about September 11, 2001 and thereafter, including:

Approximately six additional days in September 2001, and the entire month of November 2001; for

Approximately 30 days, if not 36 days, total.

The New York City Medical Examiner's Office

From on or about _____ until _____;
Approximately _____ hours per day; for
Approximately _____ days total.

The Fresh Kills Landfill

From on or about _____ until _____;
Approximately _____ hours per day; for
Approximately _____ days total.

The Barge

From on or about _____ until _____;
Approximately _____ hours per day; for
Approximately _____ days total.

Other:* For injured plaintiffs who worked at Non-WTC Site building or location. The injured plaintiff worked at the address/location, for the dates alleged, for the hours per day, for the total days, and for the employer, as specified below:

From on or about _____ until _____;
Approximately _____ hours per day; for
Approximately _____ days total;
Name and Address of Non-WTC Site
Building/Worksite: _____

*Continue this information on a separate sheet of paper if necessary. If more space is needed to specify "Other" locations, please annex a separate sheet of paper with the information.

5. Injured Plaintiff

Was exposed to and breathed noxious fumes on all dates, at the site(s) indicated above;

Was exposed to and inhaled or ingested toxic substances and particulates on all dates at the site(s) indicated above;

Was exposed to and absorbed or touched toxic or caustic substances on all dates at the site(s) indicated above;

Other: _____

*Please read this document carefully.
It is very important that you fill out each and every section of this document.*

6. Injured Plaintiff

- Has not made a claim to the Victim Compensation Fund. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- Made a claim to the Victim Compensation Fund that was denied. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- Made a claim to the Victim Compensation Fund, that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

*Please read this document carefully.
It is very important that you fill out each and every section of this document.*

B. DEFENDANT(S)

7. The following is a list of all Defendant(s) named in the Master Complaint. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

X THE CITY OF NEW YORK

- A Notice of Claim was timely filed and served on _____ and
 - pursuant to General Municipal Law §50-h
 the CITY held a hearing on _____ (OR)
 - The City has yet to hold a hearing as required by General Municipal Law §50-h
 - More than thirty days have passed and the City has not adjusted the claim
(OR)**X** An Order to Show Cause application to
 X deem Plaintiff's (Plaintiffs') Notice of Claim timely filed, or in the alternative to grant Plaintiff(s) leave to file a late Notice of Claim *Nunc Pro Tunc* (for leave to file a late Notice of Claim *Nunc Pro Tunc*) has been filed and a determination
 X is pending
 - Granting petition was made on _____
 - Denying petition was made on _____

PORT AUTHORITY OF NEW YORK AND NEW JERSEY ["PORT AUTHORITY"]

- A Notice of Claim was filed and served pursuant to Chapter 179, §7 of The Unconsolidated Laws of the State of New York on
 - More than sixty days have elapsed since the Notice of Claim was filed, (and)
 - the PORT AUTHORITY has adjusted this claim
 - the PORT AUTHORITY has not adjusted this claim.

- 1 WORLD TRADE CENTER, LLC
- 1 WTC HOLDINGS, LLC
- 2 WORLD TRADE CENTER, LLC
- 2 WTC HOLDINGS, LLC
- 4 WORLD TRADE CENTER, LLC
- 4 WTC HOLDINGS, LLC
- 5 WORLD TRADE CENTER, LLC

- 5 WTC HOLDINGS, LLC
- X** AMEC CONSTRUCTION MANAGEMENT, INC.
 - 7 WORLD TRADE COMPANY, L.P.
 - A RUSSO WRECKING
 - ABM INDUSTRIES, INC.
 - ABM JANITORIAL NORTHEAST, INC.
- X** AMEC EARTH & ENVIRONMENTAL, INC.
 - ANTHONY CORTESE SPECIALIZED HAULING, LLC, INC.
 - ATLANTIC HEYDT CORP
 - BECHTEL ASSOCIATES PROFESSIONAL CORPORATION
 - BECHTEL CONSTRUCTION, INC.
 - BECHTEL CORPORATION
 - BECHTEL ENVIRONMENTAL, INC.
 - BERKEL & COMPANY, CONTRACTORS, INC.
 - BIG APPLE WRECKING & CONSTRUCTION CORP
- X** BOVIS LEND LEASE, INC.
- X** BOVIS LEND LEASE LMB, INC.
 - BREEZE CARTING CORP
 - BREEZE NATIONAL, INC.
 - BRER-FOUR TRANSPORTATION CORP.
 - BURO HAPOLD CONSULTING ENGINEERS, P.C.
 - C.B. CONTRACTING CORP
 - CANRON CONSTRUCTION CORP
 - CANTOR SEINUK GROUP
 - CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
 - CORD CONTRACTING CO., INC
 - CRAIG TEST BORING COMPANY INC.
 - DAKOTA DEMO-TECH
 - DIAMOND POINT EXCAVATING CORP
 - DIEGO CONSTRUCTION, INC.
 - DIVERSIFIED CARTING, INC.
 - DMT ENTERPRISE, INC.
 - D'ONOFRIO GENERAL CONTRACTORS CORP
 - EAGLE LEASING & INDUSTRIAL SUPPLY

Please read this document carefully.

It is very important that you fill out each and every section of this document.

- | | |
|---|--|
| <input type="checkbox"/> EAGLE ONE ROOFING CONTRACTORS INC.
<input type="checkbox"/> EAGLE SCAFFOLDING CO
<input type="checkbox"/> EJ DAVIES, INC.
<input type="checkbox"/> EN-TECH CORP
<input type="checkbox"/> ET ENVIRONMENTAL
<input type="checkbox"/> EVERGREEN RECYCLING OF CORONA
<input type="checkbox"/> EWELL W. FINLEY, P.C.
<input type="checkbox"/> EXECUTIVE MEDICAL SERVICES, P.C.
<input type="checkbox"/> F&G MECHANICAL, INC.
<input type="checkbox"/> FLEET TRUCKING, INC.
<input type="checkbox"/> FRANCIS A. LEE COMPANY, A CORPORATION
<input type="checkbox"/> FTI TRUCKING
<input type="checkbox"/> GILSANZ MURRAY STEFICEK, LLP
<input type="checkbox"/> GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC
<input type="checkbox"/> HALLEN WELDING SERVICE, INC.
<input type="checkbox"/> H.P. ENVIRONMENTAL
<input type="checkbox"/> KOCH SKANSKA INC.
<input type="checkbox"/> LAQUILA CONSTRUCTION INC
<input type="checkbox"/> LASTRADA GENERAL CONTRACTING CORP
<input type="checkbox"/> LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEER P.C.
<input type="checkbox"/> LIBERTY MUTUAL GROUP
<input type="checkbox"/> LOCKWOOD KESSLER & BARTLETT, INC.
<input type="checkbox"/> LUCIUS PITKIN, INC
<input type="checkbox"/> LZA TECH-DIV OF THORTON TOMASETTI
<input type="checkbox"/> MANAFORT BROTHERS, INC.
<input type="checkbox"/> MAZZOCCHI WRECKING, INC.
<input type="checkbox"/> MERIDIAN CONSTRUCTION CORP.
<input type="checkbox"/> MORETRENCH AMERICAN CORP.
<input type="checkbox"/> MRA ENGINEERING P.C.
<input type="checkbox"/> MUESER RUTLEDGE CONSULTING ENGINEERS
<input type="checkbox"/> NACIREMA INDUSTRIES INCORPORATED
<input type="checkbox"/> NEW YORK CRANE & EQUIPMENT CORP.
<input type="checkbox"/> NICHOLSON CONSTRUCTION COMPANY
<input type="checkbox"/> OLYMPIC PLUMBING & HEATING
<input type="checkbox"/> PETER SCALAMANDRE & SONS, INC.
<input type="checkbox"/> PINNACLE ENVIRONMENTAL CORP
<input type="checkbox"/> PLAZA CONSTRUCTION CORP. | <input type="checkbox"/> PLAZA CONSTRUCTION MANAGEMENT CORP.
<input type="checkbox"/> PRO SAFETY SERVICES, LLC
<input type="checkbox"/> PT & L CONTRACTING CORP
<input type="checkbox"/> REGIONAL SCAFFOLD & HOISTING CO, INC.
<input type="checkbox"/> ROBER SILMAN ASSOCIATES
<input type="checkbox"/> ROBERT L GEROSA, INC
<input type="checkbox"/> RODAR ENTERPRISES, INC.
<input type="checkbox"/> ROYAL GM INC.
<input type="checkbox"/> SAB TRUCKING INC.
<input type="checkbox"/> SAFEWAY ENVIRONMENTAL CORP
<input type="checkbox"/> SEASONS INDUSTRIAL CONTRACTING
<input type="checkbox"/> SEMCOR EQUIPMENT & MANUFACTURING CORP.
<input type="checkbox"/> SILVERITE CONTRACTORS
<input type="checkbox"/> SILVERSTEIN PROPERTIES
<input type="checkbox"/> SILVERSTEIN PROPERTIES, INC.
<input type="checkbox"/> SILVERSTEIN WTC FACILITY MANAGER, LLC
<input type="checkbox"/> SILVERSTEIN WTC, LLC
<input type="checkbox"/> SILVERSTEIN WTC MANAGEMENT CO., LLC
<input type="checkbox"/> SILVERSTEIN WTC PROPERTIES, LLC
<input type="checkbox"/> SILVERSTEIN DEVELOPMENT CORP.
<input type="checkbox"/> SILVERSTEIN WTC PROPERTIES LLC
<input type="checkbox"/> SIMPSON GUMPERTZ & HEGER INC
<input type="checkbox"/> SKIDMORE OWINGS & MERRILL LLP
<input type="checkbox"/> SURVIAIR
<input type="checkbox"/> TISHMAN INTERIORS CORPORATION,
<input type="checkbox"/> TISHMAN SPEYER PROPERTIES,
<input type="checkbox"/> TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN
<input type="checkbox"/> TISHMAN CONSTRUCTION CORPORATION OF NEW YORK
<input type="checkbox"/> THORNTON-TOMASETTI GROUP, INC.
<input type="checkbox"/> TORRETTA TRUCKING, INC
<input type="checkbox"/> TOTAL SAFETY CONSULTING, L.L.C
<input type="checkbox"/> TUCCI EQUIPMENT RENTAL CORP
<input checked="" type="checkbox"/> TULLY CONSTRUCTION CO., INC.
<input checked="" type="checkbox"/> TULLY ENVIRONMENTAL INC.
<input checked="" type="checkbox"/> TULLY INDUSTRIES, INC.
<input checked="" type="checkbox"/> TURNER CONSTRUCTION CO. |
|---|--|

Please read this document carefully.

It is very important that you fill out each and every section of this document.

TURNER CONSTRUCTION COMPANY
 TURNER CONSTRUCTION INTERNATIONAL,
 LLC
 TURNER/PLAZA, A JOINT VENTURE
 ULTIMATE DEMOLITIONS/CS HAULING
 VERIZON NEW YORK INC,
 VOLLMER ASSOCIATES LLP
 W HARRIS & SONS INC
 WEEKS MARINE, INC.
 WEIDLINGER ASSOCIATES, CONSULTING
 ENGINEERS, P.C.

ZIEGEN

- WHITNEY CONTRACTING INC.
- WOLKOW-BRAKER ROOFING CORP
- WORLD TRADE CENTER PROPERTIES, LLC
- WSP CANTOR SEINUK
- YANNUZZI & SONS INC
- YONKERS CONTRACTING COMPANY, INC.
- YORK HUNTER CONSTRUCTION, LLC

- Non-WTC Site Building Owner
 Name: _____
 Business/Service Address: _____
 Building/Worksite Address: _____
- Non-WTC Site Lessee
 Name: _____
 Business/Service Address: _____
 Building/Worksite Address: _____

- Non-WTC Site Building Managing Agent
 Name: _____
 Business/Service Address: _____
 Building/Worksite Address: _____

II. JURISDICTION

8. The Court's jurisdiction over the subject matter of this action is:

Founded upon Federal Question Jurisdiction; specifically; Air Transport Safety & System Stabilization Act of 2001.

III CAUSES OF ACTION

Plaintiff(s) seeks damages against the above named defendants based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law:

<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240	<input checked="" type="checkbox"/>	Common Law Negligence, including allegations of Fraud and Misrepresentation
<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)	<input checked="" type="checkbox"/>	Air Quality; <input checked="" type="checkbox"/> Effectiveness of Mask Provided; <input checked="" type="checkbox"/> Effectiveness of Other Safety Equipment Provided

*Please read this document carefully.
 It is very important that you fill out each and every section of this document.*

<input checked="" type="checkbox"/>	Pursuant to New York General Municipal Law §205-a		(specify: _____); <input type="checkbox"/> Other(specify): _____
<input type="checkbox"/>	Pursuant to New York General Municipal Law §205-e	<input type="checkbox"/>	Wrongful Death
		<input checked="" type="checkbox"/>	Loss of Services/Loss of Consortium for Derivative Plaintiff
		<input type="checkbox"/>	Other: _____

IV CAUSATION, INJURY AND DAMAGE

9. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

*Please read this document carefully.
It is very important that you fill out each and every section of this document.*

<input type="checkbox"/>	Cancer Injury: Date of onset: Date physician first connected this injury to WTC work:	<input type="checkbox"/>	Cardiovascular Injury: Date of onset: _____ Date physician first connected this injury to WTC work: _____
<input checked="" type="checkbox"/>	Respiratory Injury: asthma, hyperreactivity and reactive airway dysfunction Date of onset: In February 2006, Plaintiff developed a lung infection and sought treatment with a private doctor. Pulmonary function tests administered subsequently in 2006 demonstrated asthma, hyperreactivity and reactive airway dysfunction. A pulmonary function test administered on April 25, 2006 by Staten Island Pulmonary Associates revealed an obstructive lung defect or airway obstruction. In or about late July 2006, Plaintiff reported these findings and changes to the Fire Department's Medical Office. The Medical Office referred Plaintiff to the New York University Pulmonary Function Laboratory for additional testing. Plaintiff then failed both a Methacholine Challenge test and a pulmonary function test. The Fire Department then placed Plaintiff on light duty, advising him that he was too disabled to return to full duty. Date physician first connected this injury to WTC work: On or about April 25, 2006.	<input type="checkbox"/>	Fear of Cancer Date of onset: _____ Date physician first connected this injury to WTC work: _____
<input checked="" type="checkbox"/>	Digestive Injury: Gastroesophageal reflux disease. Date of onset: On or about June 6, 2006, Plaintiff underwent an endoscopy for evaluation of recent symptoms that included regurgitation, burning and discomfort after eating. The endoscopy revealed gastritis. Pathology specimens demonstrated reactive epithelial changes consistent with gastroesophageal reflux. Date physician first connected this injury to WTC work. On or about June 6, 2006	<input type="checkbox"/>	Other Injury: Date of onset: _____ Date physician first connected this injury to WTC work: _____

*Please read this document carefully.
It is very important that you fill out each and every section of this document.*

NOTE: The foregoing is NOT an exhaustive list of injuries that may be alleged.

10. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Pain and suffering | <input checked="" type="checkbox"/> Expenses for medical care, treatment, and rehabilitation |
| <input checked="" type="checkbox"/> Loss of the enjoyment of life | <input checked="" type="checkbox"/> Other:
<input checked="" type="checkbox"/> Mental anguish
<input checked="" type="checkbox"/> Disability
<input type="checkbox"/> Medical monitoring
<input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Loss of earnings and/or impairment of earning capacity | |
| <input checked="" type="checkbox"/> Loss of retirement benefits/diminution of retirement benefits | |

11. As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

Please read this document carefully.

It is very important that you fill out each and every section of this document.

Case 1:07-cv-03285-AKH Document 1 Filed 04/24/2007 Page 12 of 12
WHEREFORE, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

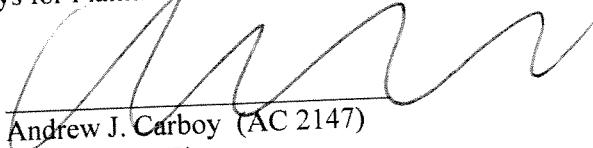
Plaintiff(s) demands that all issues of fact in this case be tried before a properly empanelled jury.

Dated: New York, New York
April 19, 2007

Yours, etc.

SULLIVAN PAPAIN BLOCK
MCGRATH & CANNAVO P.C.
Attorneys for Plaintiff

BY:


Andrew J. Carboy (AC 2147)

120 Broadway - 18th Floor
New York, New York 10271
Tel: (212) 732-9000

*Please read this document carefully.
It is very important that you fill out each and every section of this document.*